

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 161 CUTTACK, WEDNESDAY, FEBRUARY 11, 2009 / MAGHA 22, 1930

HOME (ELECTIONS) DEPARTMENT

NOTIFICATION

The 7th February 2009

No. 1001—VE(A)-114/2008-Elec.—The following Notification, dated the 19th November 2008 issued by the Election Commission of India, New Delhi is hereby published for general information.

By Order,

ALKA PANDA

Chief Electoral Officer & *ex officio*

Commissioner-*cum*-Secretary to Government

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi—110 001

Dated the 19th November, 2008

NOTIFICATION

No. 82—OR-LA(1/2004)/2008—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Order, dated the 18th August 2008 of the Orissa High Court in Election Petition No. 1 of 2004.

By Order,

R. K. SRIVASTAVA

Secretary

IN THE HIGH COURT OF ORISSA, CUTTACK

ELPET No. 1 of 2004

Subject Code :—110200

In the matter of :

An application under Section 81 of the Representation of the People Act, 1951;

And

In the matter of :

Biram Majhi, aged about 53 years,
S/o Late Barisa Majhi
of Village Paikjugpura,
P. O. Kadalía, P. S. Baisinga,
District Mayurbhanj.

. Petitioner

Versus

Pramila Giri @ Nayak, aged about 47 years,
W/o Rasik Chandra Giri
of Village Baguli, P.O. Kuchilakhunta,
P. S. Badasahi, Dist. Mayurbhanj.

. Respondent

Presented on 18-6-2004

[Illegible]

Registrar (Judl.)

ELPET No. 1 of 2004

[O.H.C.-98]

| Sl. No. of Order | Date of Order | Order with Signature | Office note as to action (if any), taken on Order |
|---------------------|------------------|--|--|
| 74 | 18-8-2008 | <p>This election petition has been filed by one of the defeated candidates in the election to the State Legislative Assembly from 8—Baisinga (S.T.) Constituency in the district of Mayurbhanj challenging the election of the respondent, who was declared as being elected as Member of the Legislative Assembly from the said Constituency. The election petition was filed on the 18th June 2004. Initially the matter was being contested by both the parties and even the respondent in Misc. Case No. 11 of 2005 prayed for dismissal of the election petition on the ground of maintainability. The said Misc. Case was disposed of holding that the prayer made by the respondent to decide the question of maintainability of the election petition as a preliminary issue cannot be granted. The parties were directed to come ready for hearing on the election petition.</p> <p>It appears from the order sheet that the applications were filed on each of the dates fixed for hearing, by either of the parties, seeking adjournment of the hearing of the election petition. The matter was adjourned from time to time on such applications filed by either of the parties. On the 1st May 2008, no steps were taken by the election petitioner though learned counsel for the respondent filed a memo of his appearance (Hazira). Thereafter on the 19th June 2008, again a prayer for adjournment was made by the election petitioner and the case was adjourned to the 16th July 2008 directing the parties to come ready for hearing. Again the 16th July 2008, the election petitioner did not take any steps and the matter was adjourned to today.</p> <p>Today none of the parties have taken any steps in the case. This Court has, therefore, no other alternative but to dismiss the election petition for default of both the parties.</p> <p>The election petition accordingly stands dismissed.</p> | |

M. M. DAS, (J)

Authenticated copy
[ILLEGIBLE]
Deputy Registrar
(Judicial & Establishment)
Orissa High Court
Cuttack